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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicants(s): Cezary Marcjan *et al.*

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Examiner: Willie J. Daniel Jr.

Art Unit: 2686

Title: MOBILE TELEPHONE ACTIVE MESSAGING SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Applicant submits this brief in connection with an appeal of the above-identified patent application. A credit card payment form is filed concurrently herewith in connection with all fees due regarding this appeal brief. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP682US].

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I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Microsoft Corporation, the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellant, appellant's legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 1 and 3-50 stand rejected by the Examiner. The rejection of claims these claims is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

No claim amendments have been entered after the Final Office Action.

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))

Independent Claim 1:

Independent claim 1 relates to an active messaging system in communication with a short text messaging service of a digital cellular telephone system. (*See e.g.*, pg. 2, ¶ [0004]). System includes an active messaging client stored in a computer readable medium of a digital cellular telephone. (*See e.g.*, pg. 2, ¶ [0004]; pg. 12, ¶ [0045]). The active messaging client includes an active message loader that distinguishes and directs short text messages according to whether they include an active message script. (*See e.g.*, pg. 2, ¶ [0004]; pg. 13 ¶ [0047]). The active messaging client provides interpretation and execution of an active message scrip included in the short text message received at the digital cellular telephone by radiant transmission. (*See e.g.*, pg. 2, ¶ [0004]; pg. 5 ¶ [0019]; pg. 6 ¶ [0020]; and pg. 17, ¶ [0061]). System further includes an active message gateway in communication with the short text messaging service to receive short text messages for the digital cellular telephone and selectively forward the short text messages according to whether they include an active message script. (*See e.g.*, pg. 2, ¶ [0004]; pg. 7 ¶¶

[0025], [0026]). The active message gateway maintains a database of access privileges of registered digital cellular telephones and registered application servers. (*See e.g.*, pg. 9 ¶ [0032]; pg. 10 ¶ [0039]).

Independent Claim 10:

Independent claim 10 relates to a computer readable medium of a digital cellular telephone that includes active messaging client software for active messages transmitted through a short text messaging service. The medium includes active messaging loader software that distinguishes and directs short text messages according to whether they include an active message script. (*See e.g.*, pg. 12 ¶ [0046]; and pg. 13 ¶ [0047]). The active messaging loader directs short text messages that include an active message script to active message interpreter software. (*See e.g.*, pg. 12, ¶ [0046]; pg. 13 ¶¶ [0047], [0048]). The active message interpreter provides interpretation and execution of the active message script. (*See e.g.*, pg. 13 ¶¶ [0047], [0048]).

Independent Claim 17:

Independent claim 17 relates to a computer readable medium of a digital cellular telephone that includes an active message script data structure for active messages transmitted by a short text messaging service. (*See e.g.*, pg. 17 ¶ [0061]). The active message scrip includes <Instruction><Flags>[<Data>][<Address>]. (*See e.g.*, pg. 17 ¶ [0062]). <Instruction> field is one byte in size and specifies a command to be executed. (*See e.g., id.*). <Flags> field is one byte in size and specifies one or more options for the command. (*See e.g., id.*). [>Data>] field specifies any data associated with the command. (*See e.g., id.*) [<Address>] field is two bytes in size and is a byte-address of an instruction to be executed under predefined conditions related to the command. (*See e.g., id.*).

Independent Claim 30:

Independent claim 30 relates to an active message gateway method for short text messages that include an active message script in a mobile telephone short text messaging system. The method includes receiving at an active message gateway short text messages transmitted from a mobile telephone. (*See e.g.*, pg. 2, ¶ [0004]; pg. 10 ¶ [0034]). The method

further includes distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script. (*See e.g.*, pg. 2, ¶¶ [0004], [0005]; pg. 7, ¶ [0026]; and pg. 13, ¶ [0047]). The short text messages that do not include an active message script include destination address corresponding to short text messaging destinations. (*See e.g.*, pg. 2,¶ [0005]; pg. 7, ¶ [0025]). The method further includes forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination address. (*See e.g.*, pg. 7, ¶ [0026]; pg. 10, ¶ [0035]). The method also includes interpreting the active message script in the short text messages that include it and transmitting any corresponding response. (*See e.g.*, pg. 2, ¶ [0005]; pg. 11, ¶¶ [0040], [0041]).

Independent Claim 36:

Independent claim 36 relates to active message gateway software in a computer readable medium of a mobile telephone short text messaging system for short text messages that include an active message script. Included is software for receiving at an active message gateway short text messages transmitted from a mobile telephone. (*See e.g.*, pg. 2, ¶ [0004]; pg. 10, ¶ [0034]). Also includes is software for distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script. (*See e.g.*, pg. 5, ¶ [0019]; pg. 13,¶ [0047]). The short text messages that do not include an active message script including destination addresses corresponding to short text messaging destination. (*See e.g.*, pg. 2, ¶ [0005]; pg. 7, ¶¶ [0025], [0026]; pg. 10, ¶ [0035]; and pg. 27, ¶ [0087]). There is also software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses. (*See e.g.*, pg. 2, ¶ [0005], pg. 7, ¶¶ [0025], [0026]; pg. 10, ¶¶ [0037], [0039]). Included is also software for interpreting the active message script in the short text messages that include it and transmitting any corresponding response. (*See e.g.*, pg. 2 ¶ [0005], pg. 11 ¶¶ [0040], [0041]).

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Whether claims 1, 2 3-14, 16-17, 22, 24-26, 28-33, 35-39, 41-46, and 49-50 are unpatentable under 35 U.S.C. §102(e) over Alanara *et al.* (U.S. Patent No. 6,292,668).

B. Whether claims 15 and 27 are unpatentable under 35 U.S.C. §103(a) over Alanara *et al.* in view of Comer (U.P. Patent No. 5,610,973).

C. Whether claims 18-21, 23, 34, 40, 47 are unpatentable under 35 U.S.C. §103(a) over Alanara *et al.* in view of Chen *et al.* (U.S. Patent Application No. 2003/0054810).

D. Whether claim 48 is unpatentable under 35 U.S.C. §103(a) over Alanara *et al.*

VII. Argument (37 C.F.R. §41.37(c)(1)(vii))

A. Rejection of Claims 1, 3-14, 16-17, 22, 24-26, 28-33, 35-39, 41-4,6 and 49-50 Under 35 U.S.C. §102(e)

Claims 1, 3-14, 16-17, 22, 24-26, 28-33, 35-39, 41-46, and 49-50 stand rejected as anticipated by 35 U.S.C. §102(e) over Alanara *et al.* (U.S. Patent No. 6,292,668). This rejection should be withdrawn for the following reasons. Alanara *et al.* does not teach or suggest all limitations recited in the subject claims.

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1:

Independent claim 1 (and its corresponding dependent claims) recites *an active messaging system in communication with a short text messaging service of a digital cellular telephone system, comprising ... an active messaging client [that]...includes* ***an active message loader that distinguishes and directs short text messages according to whether they include an active message script*** *... and an active message gateway in communication with the short text messaging service* ***to receive short text messages from the digital cellular telephone and selectively forwarding the short text messages according to whether they include an active***

message script ... and maintains a database of access privileges of registered digital cellular telephones and registered application servers.

Alanara *et al.* relates to a terminal capable of supporting a plurality of applications and communicating user messages. (*See e.g.*, col. 1, lns. 9-12). The applications (17, 18) are terminal application programs that perform different kinds of services and run different types of applications and merely handle application related information. (*See e.g.*, Abstract; col. 2, lines 1-9; col. 21, lns. 11-18 and 44-46). An example of such applications is a business card. (*See e.g.*, col. 7, lns. 7-52 and FIG. 6.). These applications do not include an active message loader *that distinguishes and directs short text messages according to whether they include an active message script* as claimed. Nor do the applications *provide interpretation and execution of an active message script included in a short text message* as claimed.

Alanara *et al.* discloses a server (SERV) of a service provider in communication with a short message service centre (SM-SC). (*See e.g.*, col. 18, ln. 61 to col. 19, ln. 3; and FIG. 8). However, the SERV is simply responding to a user query, it is not *selectively forwarding short text messages according to whether they include an active message script* as claimed. The SERV receives a query from the user terminal or communicator, interprets the query, and responds to it. (*See e.g.*, col. 19, lns. 23-25).

In addition, the SERV does not *maintain a database of access privileges of registered digital cellular telephones and registered application servers* as claimed. Rather, Alanara *et al.* discloses a primitive authorization command used to add a list of authorized services for a given menu. (*See e.g.*, col. 13, lns. 52-55). The primitive authorization command is located in the terminal, not the SERV nor the server GTW. (*See e.g.*, col. 13, lns. 46-48).

A "server gateway (SERV GTW)" of Alanara *et al.* is discussed in the Office Action as "reading on the claimed 'active message gateway'." However, the SERV GTW does not *receive short text messages from a digital cellular telephone* nor does it *maintain a database of access privileges of registered digital cellular telephones and registered application servers* as in applicants' claimed invention. The SERV GTW is in communication with a personal computer and a mobile services switching centre (MSC), has a connection to the Internet and receives messages sent by a personal computer. (See *e.g.*, col. 5, lines 34-52 and FIG. 2).

Independent claim 10 and its corresponding dependent claims:

Independent claim 10 recites ***in a computer readable medium of a digital cellular telephone,*** *active messaging client software for active messages transmitted via a short text messaging service, comprising...****active messaging loader software that distinguishes and directs short text messages according to whether they include an active message script.***

Alanara *et al.* discloses a server (SERV) of a service provider in communication with a short message service centre (SM-SC) that a query from the user terminal or communicator, interprets the query, and responds to it. (*See e.g.*, col. 18, ln. 61 to col. 19, ln. 3. and lns. 23-25; and FIG. 8). The SERV does not active messaging loader software that distinguishes and directs short text messages according to whether they include an active message script as claimed.

Alanara *et al.* discloses "an identifier, which enables the receiving terminal to process the received message directly into an application." (*See e.g.*, col. 6, lines 29). However, Alanara *et al.* is silent regarding distinguishing and directing short text messages according to whether they include an active message script.

Independent claim 17 and its corresponding dependent claims:

Independent claim 17 recites *in a computer readable medium of a digital cellular telephone, an active message script data structure for active messages transmitted via a short text messaging service, comprising ... an* ***<Instruction> field*** *... one byte in size and* ***specifies a command to be executed;*** ***<Flags> field*** *... one byte in size and* ***specifies one or more options for the command;*** *<Data> Field specifies any data associated with the command; and* ***<Address> field*** *is two bytes in size* ***and is a byte-address of an instruction to be executed under predefined conditions related to the command.*** Alanara *et al.* does not teach or suggest such novel features.

Alanara *et al.*, discloses segmenting a message exceeding a maximum length into four parts (M1-M4) and sends the message in several frames FR1-FR4. (*See e.g.*, col. 5, ln. 66 to col. 6, ln. 4; and FIG. 4a and 4b). The message is divided into three fields ADD, CTRL, and INFO. (*See e.g.*, col. 6, lns. 12-28). ADD contains the address of the destination of the message. (*See e.g.*, col. 6, lns. 12-15). CTRL is a control field that contains the sending frame and receiving frame numbers N(S) and N(F). (*See e.g.*, col. 6, lns. 23-25). INFO is a data field containing the actual information or data and contains a maximum of 168 bits of information. (*See e.g.*, col. 6,

lns. 25-28). However, Alanara *et al.* does not teach or even suggest an <Address> field that is a byte-address of an instruction to be executed under predefined conditions related to the command, as claimed. Further, Alanara *et al.* is silent regarding an <Instruction> field that specifies a command to be executed and a <Flags> field that specifies one or more options for the command as recited in the subject claims.

Independent claim 30 and its corresponding dependent claims:

Independent claim 30 recites *in a mobile telephone short text messaging system, an active message gateway method for short text messages that include an active message script, comprising ...* ***distinguishing among short text messages ones that include an active message script from ones that do not include an active message script ....*** and ***forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination address.*** These features are not taught or even suggested by Alanara *et al.*

Alanara *et al.* discloses a server (SERV) of a service provider that is in communication with a short message service centre (SM-SC). (*See e.g.*, col. 18, ln. 61 to col. 19, ln. 3; and FIG. 8). The SERV is simply responding to a user query, it is not *selectively forwarding short text messages according to whether they include an active message script* as claimed. The SERV receives a query from the user terminal or communicator, interprets the query, and responds to it. (*See e.g.*, col. 19, lns. 23-25).

Further, Alanara *et al.* discloses dividing a short message into parts or frames and storing the short message in a SM-SC (Short Message Service Centre) that, when contacted, sends the message to its actual destination. (*See e.g.*, col. 4, lns. 46-52). The user sends a message by giving a phone number of the destination where the message is to be transmitted. (*See e.g.*, col. 5, lns. 11-21). Alanara *et al.* is silent regarding distinguishing among the short text messages ones that include an active message script and those that do not include an active message script.

Independent claim 36 and its corresponding dependent claims:

Independent claim 36 recites ***in a computer readable medium of a mobile telephone short text messaging system, active message gateway software for short text messages that include an active message script, comprising ... software for distinguishing among the short***

text messages ones that include an active message script from ones that do not. Alanara *et al.* is silent regarding these novel features.

Alanara *et al.* discloses a server (SERV) of a service provider in communication with a short message service centre (SM-SC). (*See e.g.*, col. 18, ln. 61 to col. 19, ln. 3; and FIG. 8). However, the SERV is simply responding to a user query, it is not *selectively forwarding short text messages according to whether they include an active message script* as claimed. The SERV receives a query from the user terminal or communicator, interprets the query, and responds to it. (*See e.g.*, col. 19, lns. 23-25).

Alanara *et al.* discloses a short message that is divided into frames that are stored in a short message in a SM-SC (Short Message Service Centre). (*See e.g.*, col. 4, lns. 46-52). When the SM-SC is contacted, it sends the frames to a destination. (*See e.g., id.*). The message is sent to the destination by the user providing the phone number to where the message is to be transmitted. (*See e.g.*, col. 5, lns. 11-21). Alanara *et al.* is silent regarding distinguishing among the short text messages ones that include an active message script and those that do not include an active message script and merely sends all messages to a destination when the SM-SC is contacted.

B. Rejection of Claims 15 and 17 Under 35 U.S.C. §103(a)

Claims 15 and 27 stand rejected as obvious under 35 U.S.C. §103(a) over Alanara *et al.* in view of Comer (U.S. Patent No. 5,610,973). This rejection should be withdrawn for at least the following reasons. Neither Alanara *et al.* nor Comer, alone or in combination, teach or suggest all limitations as recited in the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of

> success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 15 and 27 depend from claims 1 and 17. As discussed *supra*, Alanara *et al.* does not teach or suggest all limitations of claims 1 and 17. Specifically, Alanara *et al.* does not teach or suggest ***an active message loader that distinguishes and directs short text messages according to whether they include an active message script*** *... and an active message gateway in communication with the short text messaging service* ***to receive short text messages from the digital cellular telephone and selectively forwarding the short text messages according to whether they include an active message script ... and maintains a database of access privileges of registered digital cellular telephones and registered application servers.*** Nor does Alanara *et al.* teach or suggest *an active message script data structure for active messages transmitted via a short text messaging service, comprising ... an* ***<Instruction> field*** *... one byte in size and* ***specifies a command to be executed; <Flags> field ... one byte in size and specifies one or more options for the command;*** *<Data> Field specifies any data associated with the command; and* ***<Address> field*** *is two bytes in size* ***and is a byte-address of an instruction to be executed under predefined conditions related to the command.***

Comer *et al.*, alone or in combination with Alanara *et al.*, does not make up for the aforementioned deficiencies of Alanara *et al.* Rather, Comer *et al.* relates to detecting the presence of mobile radiotelephones within a cellular network. (*See e.g.*, col. 1, lns. 7-14). Comer *et al.* does not teach or suggest *an active message loader that distinguishes and directs short text messages according to whether they include an active message script ... an active message gateway in that selectively forwards the short text messages according to whether they include an active message script and maintains a database of access privileges of registered digital cellular telephones and registered application servers* as recited in independent claim 1.

Nor does Comer, *et al,* alone or in combination with Alanara *et al.* not teach or suggest an <Address> field that is a byte-address of an instruction to be executed under predefined conditions related to the command, an <Instruction> field that specifies a command to be executed or a <Flags> field that specifies one or more options for the command as recited in independent claim 17.

C. **Rejection of Claims 18-21, 23, 34, 40, 47 Under 35 U.S.C. §103(a)**

Claims 18-21, 23, 34, 40, 47 stand rejected as obvious by 35 U.S.C. §103(a) over Alanara *et al.* in view of Chen *et al.* (U.P. Patent Application No. 2003/0054810). This rejection should be withdrawn for at least the following reasons. Neither Alanara *et al.* nor Chen *et al.*, alone or in combination, teach or suggest all limitations as recited in the subject claims.

Claims 18-21 and 23 depend from independent claim 17, claim 34 depends from independent claim 30, and claims 40 and 47 depend from independent claim 36. As discussed *supra*, Alanara *et al.* does not teach or suggest all limitations recited in the subject independent claims and Chen *et al.* fails to make up for these deficiencies. Specifically, Chen *et al.* relates to a platform that allows mobile devices to communicate and to securely access corporate and Internet contents and services. (*See e.g.*, Abstract). Both Chen *et al.* and Alanara *et al.* are silent regarding an <Address> field, an <Instruction> field or a <Flags> field as recited in independent claim 17. Nor does Chen *et al.* and/or Alanara *et al.* teach or suggest distinguishing among short text messages ones that include an active message script and those that do not include an active message script as recited in independent claim 30 (similar limitations are recited in independent claim 36). Therefore, the cited references alone or in combination do not teach or suggest all limitations recited in the subject claims.

D. **Rejection of Claim 48 Under 35 U.S.C. §103(a)**

Claim 48 stands rejected as obvious by 35 U.S.C. §103(a) over Alanara *et al.* This rejection should be withdrawn for at least the following reasons. Claim 48 depends from independent claim 36 and, as discussed *supra*, Alanara *et al.* does not teach or suggest each and every element recited in independent claim 36. Specifically, Alanara *et al.* does not teach or suggest: *in a computer readable medium of a mobile telephone short text messaging system, active message gateway software for short text messages that include an active message script, comprising ... software for distinguishing among the short text messages ones that include an active message script from ones that do not.* Nor would it have been obvious to a person having ordinary skill in the art to render the subject claims.

E. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejection of claims 1, 2 3-17, 22, 24-33, 35-39, 41-46, 49-50 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP682US].

Respectfully submitted,
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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1. An active messaging system in communication with a short text messaging service of a digital cellular telephone system, comprising:

an active messaging client stored in a computer readable medium of a digital cellular telephone, the active messaging client includes an active message loader that distinguishes and directs short text messages according to whether they include an active message script, the active messaging client providing interpretation and execution of an active message script included in a short text message received at the digital cellular telephone by radiant transmission; and

an active message gateway in communication with the short text messaging service to receive short text messages from the digital cellular telephone and selectively forwarding the short text messages according to whether they include an active message script, the active message gateway maintains a database of access privileges of registered digital cellular telephones and registered application servers.

2. (Cancelled)

3. The system of claim 1 in which each short text message includes a header and the short text messages that have an active message script include an indication of the active message script in the header.

4. The system of claim 1 in which the active messaging client includes an active message interpreter to which the active messaging loader directs short text messages that include an active message script, the active message interpreter providing interpretation and execution of the active message script.

5. The system of claim 1 in which the active messaging client includes an active message file manager to which the active messaging loader directs short text messages that include an active message script, the active message file manager providing storage of the active message script in a file system included on the digital cellular telephone.

6. The system of claim 1 in which the active messaging client includes an active message interpreter that receives the active message script and provides interpretation and execution of the active message script.

7. The system of claim 1 in which the active messaging client includes an active message file manager that receives the active message script and provides storage of the active message script in a file system included on the digital cellular telephone.

8. The system of claim 1 further comprising one or more application servers in communication with the active message gateway, each of the one or more application servers providing an active message application or service in response to a request directed from the digital cellular telephone.

9. The system of claim 8 in which the active message gateway includes an active messaging connector service that provides communication between the short text messaging service and one or more active message service interfaces to the one or more application servers.

10. In a computer readable medium of a digital cellular telephone, active messaging client software for active messages transmitted via a short text messaging service, comprising:

active messaging loader software that distinguishes and directs short text messages according to whether they include an active message script; and

active message interpreter software to which the active messaging loader directs short text messages that include an active message script, the active message interpreter providing interpretation and execution of the active message script.

11. The medium of claim 10 in which each short text message includes a header and the short text messages that have an active message script include an indication of the active message script in the header.

12. The medium of claim 10 further including active message file manager software to which the active messaging loader directs short text messages that include an active message script, the

active message file manager providing storage of the active message script in a file system included on the computer readable medium.

13. The medium of claim 10 in which the digital cellular telephone includes a subscribed identity module with a computer readable medium in which the active messaging loader software and the active message interpreter software are stored on the computer readable medium of the subscriber identity module

14. The medium of claim 10 in which active message interpreter includes a global string buffer (GB) that is used for building character strings and a last result buffer (LRB) that is used for storing a most recent result.

15. The medium of claim 10 in which the active message script includes text strings and jumps, wherein all text strings are prefixed with their byte-size and all jumps are made to specific byte locations within the script.

16. The medium of claim 10 in which active message script are a format:

<Instruction><Flags>[<Data>][<Address>]

wherein <Instruction> specifies a command to be executed, <Flags> specifies one or more options for the command, <Data> specifies any data associated with the command, and <Address> is a byte-address of an instruction to be executed under predefined conditions related to the command.

17. In a computer readable medium of a digital cellular telephone, an active message script data structure for active messages transmitted via a short text messaging service, comprising:

<Instruction><Flags>[<Data>][<Address>]

wherein <Instruction> field is one byte in size and specifies a command to be executed, <Flags> field is one byte in size and specifies one or more options for the command, <Data> field specifies any data associated with the command, and <Address> field is two bytes in size and is a byte-address of an instruction to be executed under predefined conditions related to the command.

18. The medium of claim 17 further including a print instruction associated with the instruction field for printing a text string, destination flags associated with the flag field specifying whether the text string is to be printed to from a memory buffer, and a text string associated with the data field and representing the text string to be printed.

19. The medium of claim 17 further including an input instruction associated with the instruction field for printing a text string and requesting input from a user, content identification flags associated with the flag field optionally specifying the text string is to be printed, and a text string associated with the data field and optionally representing the text string to be printed.

20. The medium of claim 17 further including a select instruction associated with the instruction field for printing a plurality of text strings, destination flags associated with the flag field specifying a location to which a user selection is to be returned, and plural text strings associated with the data field and representing the plural text string to be printed.

21. The medium of claim 17 further including a condition instruction associated with the instruction field for comparing a pair of condition strings and jumping to a specified address when the pair of condition strings satisfies a predefined condition, flags associated with the flag field optionally specifying one of the condition strings and optionally specifying the predefined condition, and a text string associated with the data field and optionally representing one of the condition strings.

22. The medium of claim 17 further including a send message instruction associated with the instruction field for transmitting a short text message, destination flags associated with the flag field optionally specifying a destination for the short text message, and a text string associated with the data field and optionally specifying a destination for the short text message.

23. The medium of claim 17 further including a call instruction associated with the instruction field for initiating a telephone call, destination flags associated with the flag field optionally specifying a telephone number for the telephone call, and a text string associated with the data field and optionally specifying a telephone number for the telephone call.

24. The medium of claim 17 further including a location instruction associated with the instruction field for obtaining location information about a location of the digital cellular telephone, and a destination flag associated with the flag field optionally specifying where the location information is to be stored.

25. The medium of claim 17 further including an execute instruction associated with the instruction field for initiating execution of an active message file stored on the digital cellular telephone, a file identification flag associated with the flag field optionally identifying the active message file to be executed, and a text string associated with the data field and optionally identifying the active message file to be executed.

26. The medium of claim 17 further including an execute instruction associated with the instruction field for initiating execution of an active message file stored on the digital cellular telephone, a file identification flag associated with the flag field optionally identifying the active message file to be executed.

27. The medium of claim 17 further including a goto instruction associated with the instruction field for directing execution of the active message script to jump to a specified byte location in the script, and a byte address flag associated with the address field for identifying the byte location for the script to jump to.

28. The medium of claim 17 further including an addressbook instruction associated with the instruction field for directing retrieval of information from an addressbook stored on the digital cellular telephone, and an addressbook entry flag associated with the flag field for specifying one or more addressbook entries to be retrieved.

29. The medium of claim 17 further including an application instruction associated with the instruction field for identifying an application to be utilized by another service.

30. In a mobile telephone short text messaging system, an active message gateway method for short text messages that include an active message script, comprising:

receiving at an active message gateway short text messages transmitted from a mobile telephone;

distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations;

forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses;

interpreting the active message script in the short text messages that include it and transmitting any corresponding response.

31. The method of claim 30 further comprising authenticating that the mobile telephone is associated with the active message gateway prior to interpreting the active message script.

32. The method of claim 30 further comprising:

determining whether the active message script is to be executed locally by the active message gateway or remotely by an application server that is in computer network communication with the active message gateway; and

executing the active message script at the active message gateway or the remote application server according to the determination.

33. The method of claim 32 wherein the active message script is executed at the remote application server, the method further comprising re-formatting the active message script at the active message gateway before transmitting the active message script to the remote application server for execution.

34. The method of claim 33 in which the active message script is re-formatted into an XML file format.

35. The method of claim 30 further comprising:

determining whether the active message script is to be executed locally by the active message gateway or remotely by another mobile telephone; and

executing the active message script at the active message gateway or at the other mobile telephone according to the determination.

36. In a computer readable medium of a mobile telephone short text messaging system, active message gateway software for short text messages that include an active message script, comprising:

software for receiving at an active message gateway short text messages transmitted from a mobile telephone;

software for distinguishing among the short text messages ones that include an active message script from ones that do not include an active message script, the short text messages that do not include an active message script including destination addresses corresponding to short text messaging destinations;

software for forwarding the short text messages that do not include an active message script to the short text messaging destinations corresponding to the destination addresses;

software for interpreting the active message script in the short text messages that include it and transmitting any corresponding response.

37. The medium of claim 36 further comprising software for authenticating that the mobile telephone is associated with the active message gateway prior to interpreting the active message script.

38. The medium of claim 36 further comprising:

software for determining whether the active message script is to be executed locally by the active message gateway or remotely by an application server that is in computer network communication with the active message gateway; and

software for executing the active message script at the active message gateway or the remote application server according to the determination.

39. The medium of claim 38 wherein the active message script is executed at the remote application server, the method further comprising software for re-formatting the active message script at the active message gateway before transmitting the active message script to the remote application server for execution.

40. The medium of claim 39 in which the active message script is re-formatted into an XML file format.

41. The medium of claim 36 further comprising:

software for determining whether the active message script is to be executed locally by the active message gateway or remotely by another mobile telephone; and

software for executing the active message script at the active message gateway or at the other mobile telephone according to the determination.

42. The medium of claim 36 further comprising a GetServiceList active message command data structure that returns to the mobile telephone a list of services available through the active message gateway.

43. The medium of claim 36 further comprising a Getservice active message command data structure that provides a request for a particular service via the active message gateway.

44. The medium of claim 36 further comprising an InstallService active message command data structure that functions to obtain active message script for a service and install the active message script on the mobile telephone.

45. The medium of claim 36 further comprising a GetUserList active message command data structure that returns a list of users available through the active message gateway.

46. The medium of claim 36 further comprising a GetUser active message command data structure that returns information about or establishes a connection with a user available through the active message gateway.

47. The medium of claim 36 further comprising an AddUser active message command data structure that adds a designated user to a list of selected users maintained in association with the mobile telephone.

48. The medium of claim 36 further comprising a Deleteuser active message command data structure that deletes a user from a list of selected users maintained in association with the mobile telephone.

49. The medium of claim 36 further comprising a SendActiveMessage active message command data structure that sends a short text message that includes active message script.

50. The medium of claim 36 further comprising a SendMessage active message command data structure that sends a short text message that does not include active message script.

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.